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Kubát, Michal

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## Electoral Reforms in Poland after 1991 and Their Political Consequences\*

*Michał Kubát*

**Abstract:** *This article analyses the phenomenon of electoral engineering in contemporary Poland. The aim is to study the causes and especially the consequences of electoral reforms in relation to political parties and the party system as a whole. This analysis is supported by a number of empirical indicators, e.g. over-representation and under-representation of political parties, aggregation, fragmentation and polarization of the party system, etc. The Polish case study excellently demonstrated the theories of the direct influence of the electoral system on the party system, both in a positive and negative sense. Politicians can use electoral reform to help stabilize the party system and the political régime as a whole (Polish electoral reform of 1993), or they can use the same tool to help themselves (to ease re-entry into parliament), but at the expense of stabilization of the party system (Polish electoral reform of 2001).*

**Key words:** *election, electoral system, electoral engineering, parties and party system, Poland*

### Introduction

Poland provides us with a unique example of electoral engineering in East Central Europe. Wherein lies its distinctive status in this respect? Poland is a country where reforms of the electoral system are frequent. Five parliamentary election have taken place in the last 15 years, and three electoral systems were used in the process (the semi-free election of 1989 are not included). Only twice did two consecutive election take place according to the same electoral system (election in 1993 and 1997, and in 2001 and 2005). Moreover, since 1989 there have been lively and ongoing discussions about the electoral system and its possible changes on both key levels of discourse – academic as well as political (see Chruściak 1999, Dudek 2004). Polish electoral engineering efforts are not determined by any “objective” criteria: they are a direct consequence of political decisions, which is a fact of major importance for further analysis. The electoral system is widely regarded as a technical instrument, which can be changed or fine-tuned according to current needs and with the aim of reaching the desired political consequence. Politicians change the system because they want to, not because they have to. In fact, Poland uses electoral engineering as a tool of everyday politics. We will try to analyse this interesting and extraordinary situation and try to determine what are its causes and likely consequences.

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## Electoral Systems in Poland after 1991<sup>13</sup>

For election to the Lower Chamber of the Polish Parliament (*Sejm*), the electoral system has been based on proportional representation since 1991. As we can see, Polish politicians have not changed the basic form of the electoral system, which is still based on proportional representation to this day, but they have modified its technology and characteristics. By the technology of an electoral system we mean its construction (what are its components), and by characteristics we mean the likely effects and consequences of such a system. Both these variables are unavoidably related. When describing the Polish model of proportional representation, we will put special emphasis on constituencies, mathematical methods of seat allocation, and the electoral threshold, because these are the variables which have the most influence on outcomes in the proportional representation electoral system.

The significance of constituencies is based on two characteristics: their shape and size. The most important variable is size, which means the number of seats that can be won in such a constituency. Constituencies in Poland have multiple seats available, which is understandable given the proportional nature of the Polish electoral system. The size of these constituencies has changed frequently since 1991. Under the electoral system adopted in 1991 the country was divided into 37 regional constituencies, in which 397 of the total 460 members of parliament were elected (the remaining 69 members of parliament were elected in one large constituency, which covered the whole country). The size of the regional constituency ranged from 7 to 17 available seats (10.3 being the average size). The electoral system of 1993 kept the distinction between several regional and one nationwide constituency, even up to the ratio of seats allocated to each segment. The number and size of the regional constituencies changed, however. There were now 52 constituencies, with the number of seats ranging from 3 to 17 (almost half of the districts had 3 to 5 seats, with the average being 7.4). The year 2001 brought additional changes. The nationwide constituency was abolished, and all members of parliament (460) were elected in regional constituencies. There were 41 of them, with their size ranging between 7 to 19 seats (the average being 11.2).

The 1991 electoral system contained two mathematical methods for seat/vote redistribution. The largest remainder method, using the Hare-Niemeyer quota, was used at the regional constituency level. At the nationwide constituency level the Sainte-Laguë method was used, albeit in a modified version: the first divisor was not one (1) as in the original method, but one and four tenths (1.4) instead. From 1993 to 1997 the d'Hondt method was used both at the regional and nationwide constituency levels. In 2001 Poland went back to the Sainte-Laguë method, with the same modified version as adopted in 1991. As the nationwide constituency has been abolished, this method is the only valid one in all, i.e. regional constituencies.

<sup>13</sup> For more details about the topic see (Antoszewski, 2002b: 60-71; Chruściak, 1999: 57-145, 185-201; Jackiewicz, 2004: 48-65; Jednaka, 2002: 78-94; Krzekotowska 2005; Lisicka 2005, 32-51; Piasecki, 2003: 29-106).

In Poland the electoral threshold has not always been taken for granted. The first electoral system (1991) contained only a limited version of the threshold, applicable in the nationwide constituency, where only 15 per cent of all seats were allocated. In order to qualify for seats and their redistribution on the nationwide level, a political party needed to reach the 5 per cent threshold in all the regional constituencies or to get seats in at least five regional constituencies. On the level of regional constituencies (85 per cent of seats), there was no electoral threshold. The electoral system from 1993 established the 5 per cent threshold for political parties, an 18 per cent threshold for coalitions in the regional constituencies, and a 7 per cent threshold in the one nationwide constituency. In 2001 a unified threshold of 5 per cent for political parties and 8 per cent for coalitions was introduced.<sup>14</sup>

### **Electoral reforms in Poland – what was changed, why, and with what results?**

There were many electoral reforms in Poland on all levels (all types of election underwent some changes except general presidential election), so it is expedient to start with a certain systematization of the process. As a working concept, we could divide Polish electoral reform with respect to two categories:

1. its characteristics;
2. its goals.

In the first case, analytical distinction can be made between “political” and “technical” electoral reforms. “Political” electoral reforms are reforms of the electoral system, which arise from a given political situation and aim to achieve another, i.e. their goal is to influence political parties and the party system, and through them eventually even politics itself. Both reforms of the electoral system for the parliamentary election in 1993 and 2001 and the electoral reform of the municipal election in 2002<sup>15</sup> can be classified as “political” electoral reforms. On the other hand, “technical” electoral reforms are those which arise because of necessary adjustments to changed conditions at the level of the political system. The electoral system is adapted to the constitutional framework, as there should not be any discrepancy between the two. A typical example of a “technical” electoral reform is the reform of the electoral system for local election in 1998, which followed a wide-ranging reform of the whole administrative structure of the country, effective since 1 January 1999<sup>16</sup>.

<sup>14</sup> It is important to note that in all the aforementioned cases, the thresholds have not been applicable for political groups representing national minorities. As a result, there are now (after the election of 2005) two representatives of the German minority in the *Sejm*.

<sup>15</sup> The direct election of mayors being one of the principal changes (for more information, see Kubát, 2003: 78-80; Piasecki, 2003: 163-191).

<sup>16</sup> This reform diminished the number and enlarged the size of the *województwo* (voivodship and province) and introduced self-governing districts as links between the larger regional and smaller county administrations. The provinces acquired autonomy, and regional parliaments started to be elected in direct general election. More on this topic in Dudek (2004: 458-460); Kubát (1999).

The second distinction that we can make is between “legitimate” and “special-interest” electoral reforms. A “legitimate” electoral reform attempts to ameliorate an evidently malfunctioning party system, whereas “purposeful” electoral reform is a result of interplay between political parties which are trying to use the systemic change to enhance their chances in the upcoming election. This distinction may seem unclear at the moment, but it will become understandable once we analyse both major Polish electoral reforms in 1993 and 2001. These two reforms are effective examples of both types, the one of 1993 being “legitimate”; the 2001 “purposeful”. They are also relevant for the topic of this study, as here we can clearly see the relationship and its consequences, between the electoral and the party systems.

### *The electoral Reform of 1993, Its Origins and Consequences*

The electoral system adopted in 1991, which was characterized by its maximum proportion, was deliberately adopted, and these proportional effects were considered to be a desirable consequence of the system. From 1989 to 1991, apart from gradual fragmentation in Parliament, the political scene further disintegrated also outside the *Sejm* (in those years the number of registered political parties reached 100)<sup>17</sup>. Most of them did not have any representation in Parliament but harboured such ambitions. In this situation it was considered prudent to allow for the most representative reflection of the political situation in the country in Parliament<sup>18</sup>. Many MPs were thinking along these lines as they tried to guarantee further parliamentary existence of their freshly formed groupings (this was a time of tumultuous formation of the party system due to disintegration of the Solidarity movement). As a result, an electoral system was adopted which satisfied these ambitions (Antoszewski, 1999: 91).

The high extent of proportionality of the 1991 electoral system was ensured by the following aspects of the system:

1. larger constituencies;
2. chosen method of seat allocation of seats within regional constituencies;
3. chosen method of seat allocation of seats in the nationwide constituency;
4. almost absolute absence of electoral thresholds;
5. limited barriers for registration of lists in electoral districts.

This electoral system did not cause the extreme fragmentation of the party system *per se*, but it enabled the fragmented political system to be relatively accurately represented in parliament; this was due to the fact that the system did not in any way skew the election results in favour of large parties (it was more or less neutral, which enabled the smaller parties to acquire seats). The *Sejm* was in the end composed of

<sup>17</sup> One of the causes was a new law regulating political parties, which did not contain any major barriers for registration of new parties (see Grylak, Żmigrodzki, 2005: 280-281).

<sup>18</sup> It should be noted that the *Sejm* which resulted from semi-free election of 1989 reflected “old” political realities connected with the transformation towards democracy. In 1991 it did not in any way possess the necessary legitimacy and was by no means politically representative of the country as a whole.

29 political groupings (24 electoral committees<sup>19</sup>)! Rae's (1971: 53-58) fragmentation index was 0.94 on the parliamentary level, and Laakso and Taagepera's (1979: 3-27) index of the effective number of parties was approximately 10 (Kubát 2000:104)!<sup>20</sup> At the same time we are witnessing a significant deconcentration of the party system. The strongest party (Democratic Union) held only 13.48 per cent of seats in the *Sejm*, and the two strongest parties combined (Democratic Union and Alliance of the Democratic Left) held only 26.52 per cent of seats. Small political parties indeed benefited from the electoral system, which can be demonstrated by their over-representation in the *Sejm* (their percentage share of seats was greater than their percentage share of votes; the index value was larger than 1). All political parties which received more than 3 per cent of the votes were over-represented, including several weaker parties which did not register their candidates in all electoral districts. The values of the deformation index (percentage of seats divided by percentage of votes) are not extreme, and over-representation does not exceed 1.5 (except for two specific regional parties). As a whole, the electoral system more or less reflected the preferences of the voters.

**Table 1: Deformation index index in 1991**

Political arty	% of Votes	Seats/% of Seats	Deformation index
Democratic Union	12.32	62/13.48	1.094
Alliance of the Democratic Left	11.99	60/13.04	1.088
Polish Peasant's Party (SP)*	9.22	50/10.87	1.179
Catholic Election Action**	8.98	50/10.87	1.211
Confederation for an Independent Poland***	8.88	51/11.09	1.249
Civic Centre Alliance	8.71	44/9.57	1.099
Liberal Democratic Congress	7.49	37/8.04	1.073
Polish Peasant's Party(PL)	5.47	28/6.09	1.113
Solidarity Trade Union	5.05	27/5.87	1.162
Polish Friends of Beer Party	3.27	16/3.48	1.172
German Minority	1.17	7/1.52	1.299
Christian Democracy	2.25	5/1.09	0.484

<sup>19</sup> Strictly speaking, political parties or coalitions do not participate in election. These organizations need to form election committees (*komitety wyborcze*), which take part in election. In the last communal election in 2002 there was a tactical trend of calling election committees by names other than those of the parties who formed them (Kubát, 2003: 82-83).

<sup>20</sup> From 1945 to 1979 the average value of the Rae's fragmentation index on the parliamentary level in 16 Western European countries was 0.7, and from 1980 to 1994 it was 0.7 as well. The average value of the effective number of parties in the same 16 countries in the same time periods was 3.4 and 3.8 respectively (Herbut, 1997: 174 and 177). In the Central and Eastern European region the highest Rae's fragmentation index was at that time in Slovenia (0.85 in 1992), the lowest in Bulgaria (0.59 in 1991). The highest value of the effective parties index was again in Slovenia (6.58 in 1992) and the lowest in Bulgaria (2.41 in 1991) (Kubát 1999: 105-106).

Labour Solidarity	2.06	4/0.87	0.408
Christian Democrat Party	1.12	4/0.87	0.777
Union of Real Policy	2.25	3/0.65	0.289
Party X	0.47	3/0.65	1.383
Movement for Silesian Autonomy	0.36	2/0.43	1.194
Democratic Party	1.42	1/0.22	0.155
Democratic-Social Movement	0.46	1/0.22	0.478
Podhalań Union	0.22	1/0.22	1.000
Great Poland's Social-democratic Union	0.20	1/0.22	1.100
Christian-Social Union****	0.12	1/0.22	1.833
Solidarity '80	0.11	1/0.22	2.000
Union of Great Poles	0.08	1/0.22	2.750
Others	6.18	-	-

\* Two seats and the corresponding votes of the "Piast" Peasant Election Alliance (town of Tarnów) and Peasant Unity (town of Bydgoszcz) were added to the Polish Peasant's Party figures.

\*\* One seat and the corresponding votes of MP M. Gil from Kraków were added to Catholic Election Action results.

\*\*\* Four seats and the corresponding votes of the Polish Western Union and 1 seat of an MP from the Alliance of Women Against Life's Hardships were added to the Confederation for an Independent Poland figures.

\*\*\*\* An MP from the Christian-Social Union, on the electoral list of Electoral Committee of Orthodox Believers, was elected in the town of Białystok

Not all parties registered their candidates in all constituencies (some of them were regional). This explains the difference in the ordering according to the acquired votes and seats, as well as the fluctuation in the values of the deformation index.

Sources: Gebethner (1993: 15); Kubát (2000: 69); Żukowski (1992: 36-37)

The parliament which resulted from the 1991 election did not and could not fulfil its task of working throughout the full term and forming a majority, which would ensure the stability of government.<sup>21</sup> The electoral reform of 1993 was undertaken with the aim of preventing the unstable political situation from 1991 to 1993. The fundamental aim was to bar the entry into Parliament of the small and ephemeral political parties and thereby to diminish the fragmentation of the *Sejm*, even at the expense of the decreased representativeness of the body.

The electoral reform contained the following key aspects:

1. diminishing of the size of the constituencies;
2. change of the seat allocation formulas;
3. introduction of electoral thresholds;
4. change to conditions, under which party lists can be registered.

<sup>21</sup> Parliament was dissolved in 1993 after the vote on May 28 of no confidence in the Government of Prime Minister H. Suchocka by a one-vote margin. From 1991 to 1993 Poland had three Prime Ministers (the composition of governments being changed frequently) (see Dudek 2004: 228-323).

The electoral reform of 1993 helped the stronger political parties. The electoral threshold simply disqualified the political parties which were not able to attain it (Duverger's /1965: 224-225/ mechanical effect). Only six groupings managed to get into the *Sejm*. More importantly, smaller constituencies and adjusted seat allocation formulas increased the natural threshold and made the position of smaller parties more difficult at the constituency level. Whereas in the Warsaw constituency 3.39 per cent of the votes were needed in order to get one seat in 1991 (in 1993 the number rose to 4.03 per cent of the votes), in the Biała Podlaska constituency 8.34 per cent of the votes were needed for one seat in 1991, and in 1993 the percentage rose to 17.21 per cent (Gebethner, 1995: 13). Large political parties gained a further advantage as the electoral reform caused their over-representation and thus helped in the subsequent process of majority formation in Parliament. The strongest political grouping (Alliance of the Democratic Left) gained 37.17 per cent of seats (after the 1997 election the strongest party, Solidarity Election Action, held 43.69 per cent of seats) and the two strongest groupings together held 65.86 per cent of seats (in 1997 the number rose to 79.34 per cent of seats - Solidarity Election Action and the Freedom Union).

**Table 2: Deformation index in 1993**

Political Party	% of Votes	Seats/% of Seats	Deformation index
Alliance of the Democratic Left	20.41	171/37.17	1.821
Polish Peasant's Party	15.40	132/28.69	1.862
Democratic Union	10.59	74/16.08	1.518
Labour Union	7.28	41/8.90	1.223
Confederation for an Independent Poland	5.77	22/4.78	0.828
Non-Party Reform Bloc	5.41	16/3.47	0.641
German Minority*	0.62	4/0.8	1.290

\* The electoral threshold does not apply to the German Minority party.

Source: Kubát (2000: 75), author's calculations.

Electoral reform turned out to be most favourable for the two largest political parties. Medium-sized parties have also been over-represented, but only slightly. On the other hand, small parties (around 5 per cent of popular votes) became under-represented (with the exception of the regional German minority). As a result it was easier to form a parliamentary majority, which completed its term (until the 1997 election), and guarantee better conditions for a stable governing coalition.

On the whole, the concentration of the party system increased, measured by Mayer's (1980: 335-347) Aggregation Index, which calculates the position of the strongest



party in Parliament with respect to other parliamentary parties. In 1991 the value of this index was unbelievably low 0.56 (!); in 1993 it rose to “normal” levels of 5.31 (and 7.28 in 1997).<sup>22</sup>

Electoral reform brought a stabilization of the party system. Rae’s fragmentation index fell to 0.74 (after the 1997 election to 0.66) and the index of the effective number of parties shrank to approximately 3.90 (2.95 after the 1997 election). This dramatic decrease of figures in these indexes undoubtedly positively influenced further political development. The values of both indexes were still relatively high, but they did not differ very much from those in Western European democracies. Furthermore, they showed a clear downward trend.

Electoral reform positively influenced the party system by eliminating ephemeral political groupings and encouraging integration attempts, which led to temporary unification of the political spectrum on the political right<sup>23</sup> and freezing of integration on the political left.<sup>24</sup>

A further consequence of the 1993 electoral reform was a disturbing fluctuation of Rose’s proportionality index (see Rose, 1984: 73-81), which was a mere 64 in 1993 (in 1991 it was 91 and in 1997 it rose slightly to 81) (Sokół, 2005: 267).<sup>25</sup> This fluctuation is related among other factors to the psychological effect (see Duverger, 1965: 224-226), which had an impact on voter behaviour after electoral reform. In 1993 a total of 4,727,972 votes (34.52 per cent) were discarded, as voters did not realize the full extent of the new electoral system and were casting votes for small parties, which, given the changes in electoral rules had no hopes of getting into Parliament. This occurrence was only temporary. In 1997 “only” 1,652,833 votes were discounted (12.43 per cent) (Kubát, 2000: 109). This development had been foreseen and tolerated, as it was considered to be a trade-off for more political stability and improved effectiveness of both Parliament and the Government.

The dramatic rise of the extra-parliamentary opposition can be described as the short-term negative consequence of electoral reform. Such an opposition became radicalized and much more confrontational. However, these effects turned out to be transitory. On the other hand, the electoral reform forced political parties to pursue consensual negotiations, which often ended in the integration of the extra-parliamentary opposition. Many political groups simply stopped their activities thanks to the

<sup>22</sup> The figures come from a calculation made by the author. For comparison, in 16 Western European countries from 1980 to 1994 the average value of the aggregation index was 7.47 (Herbut, 1997: 179).

<sup>23</sup> In 1996 Solidarity Electoral Action was formed, which lasted until the election in 2001, when it dissolved as a result of the problematic record of its government from 1997 to 2001 and the related loss of voter confidence.

<sup>24</sup> The Alliance of the Democratic Left was transformed in 1999 from a coalition into a unified political party.

<sup>25</sup> The values of this index range from 0 – absolute disproportionality, to 100 – absolute proportionality. The figure of 63 is indeed extremely low in international comparison. It is sufficient to note that values for this index in Europe (Western as well as East Central) usually range somewhere between 80-95 (see Antoszewski, 1997: 242; Rose, Munro, Mackie, 1998: 117; Wiszniowski, 1998: 100; Kubát 1999: 102).

new electoral system, as they realized the impossibility of access to Parliament and therefore the futility of their further existence.

The overall assessment of the reform is no doubt positive. It contributed to greater concentration and stabilization of the party system. On the parliamentary level, a drastic reduction of the fragmentation of the party system took place. Despite initial wavering, the stabilization eventually spread to the extra-parliamentary level as well and resulted in integrative processes in the political sphere. This stabilization on both parliamentary and extra-parliamentary levels brought a relatively effective Parliament in the medium run (also after the 1997 election), which was able to form majorities essential for functioning governments.

### ***The electoral reform of 2001 – its political causes and consequences***

The electoral reform of 2001 differed from the one of 1993. It varied especially with regards to its origins. In the beginning of this article the electoral reform of 2001 was classified as “purposeful”, as opposed to the preceding reform of 1993. This relatively vague concept becomes clear when we look at the root causes of the reform. To understanding it, a brief analysis of Polish politics before the 2001 election is necessary.

In the 1997 parliamentary election two right-leaning groupings, Solidarity Election Action (it was in fact a coalition of parties, not a political party) and the Freedom Union, won overwhelmingly and formed a governing coalition (combined, they held 66.7 per cent of all seats). It was the first time since 1989 when the political right consolidated, overcame its fragmentation and had a chance to implement its programme without restraints. This opportunity was badly squandered. Theoretical and practical differences concerning the best governing programme on the political right, a lack of cohesion of the governing coalition, later a lack of cohesion within the Solidarity Election Action coalition, bad personal relations within the Government, a number of political as well as criminal scandals, coupled with the plain incompetence of the coalition politicians all resulted in the creation of serious economic problems on the one hand and fatal problems in the political sphere on the other hand. As a result, the confidence of the public in the Government as well as in the political groups on the right fell dramatically. Another consequence has been turmoil on the political right, which resulted in complete rearrangement on this side of the political spectrum. The long-term and arduous task of building a unified political right was thwarted. Both main political groups on the right (Solidarity Election Action and the Freedom Union) disintegrated, and the coalition government formed by these two groups collapsed. A number of smaller right-wing parties emerged out of its ashes. Whereas the 1997 parliamentary election resulted in a relatively well-arranged and consolidated bi-polar model of the political right<sup>26</sup>, a dispersed model of four right-wing groups was formed

<sup>26</sup> Solidarity Election Action coalition on one side and Freedom Union on the other. The right-wing populist Movement for Rebuilding Poland was present in the *Sejm* as well, but it did not take part in any major political events.

before the 2001 election.<sup>27</sup> Besides, two extreme groups began to gain ground – the extremely populist Self-Defence of the Polish Republic and a brand new coalition of fundamentalist Catholics and nationalists called the League of Polish Families. This took everybody by surprise and was of major importance if we are to understand the ensuing events (Dudek, 2004: 431-507; Kubát, 2001: 126-129).

The dire situation of the political right was duly reflected in polling trends. The preferences of voters for right-wing parties declined steadily and precipitously (in some cases to down to the limit of the electoral threshold), whereas the unified left experienced steady growth in terms of voter preferences, reaching even beyond the magical 50 per cent of votes. Both extremist groupings mentioned above experienced a sharp increase in preferences. Only the Polish Peasant's Party kept its stable core of voters (ranging from 7 to 11 per cent), which was a rather unusual occurrence at that time (for more detailed analysis, see Kubát 2001: 129-130).

The aforementioned disintegration of the political right, together with voter preferences at the time, became key impulses for the electoral reform of 2001.<sup>28</sup> A new electoral law was pushed through by deputies on the right, whose new parties faced the existential problem of getting their members into Parliament again, which was a consequence of the aforementioned developments. Fear of a decisive victory of the Alliance of the Democratic Left in the upcoming election was the second major factor of importance, as voter support for the party hovered around 50 per cent according to polls (it subsequently acquired much less in the actual election). Right-wing MPs did not heed frequent warnings not to change the electoral system to suit their particularistic interests and finally passed the new electoral law on 12 April 2001, just six months before the election date (*sic!*) (MPs of the Alliance of the Democratic Left voted against the law). The new electoral system was passed surprisingly smoothly when compared with the reforms in 1991 and 1993, when major political controversies, delays and even obstructions had occurred (Zdort 2001).

It is evident that the electoral reform of 2001 was not enacted in an attempt to improve the functioning of the party system and the political system as a whole (as was the case in 1993), but because of particularistic political interests of the smaller political parties. This argument will become clear when we look at the origins and effects of the reform.

<sup>27</sup> These parties emerged from the divisions within Solidarity Election Action and Freedom Union: Civic Platform; Law and Justice; remnants of the Freedom Union and the severely undermined Solidarity Election Action "Right" with a modified name (furthermore, as a coalition it contained other parties as well). To add to this, important and not exactly clear personal changes occurred, with politicians from different parties joining new groupings and their party lists.

<sup>28</sup> Another reason, which was only technical, was the necessity to adjust the electoral districts to the new administrative system of the country after the reform of 1998 (parliamentary and senatorial constituencies were identical to the old voivodships), in order to forestall organizational and legal (constitutional) difficulties (Zdort 2001). This was not in any way related to the political outcomes of the electoral reform and it played only a marginal role in the discussions of parliament, which were motivated almost purely by political consequences of the proposed reform.

The electoral reform had the following basic characteristics with respect to its effects:

1. increase in size of constituencies;
2. elimination of the nationwide constituency;
3. change of the mathematical method for seat allocation;
4. change in the means of financing electoral campaigns.

The first three points had the most influence on the change in consequences of the electoral system; the last point did so only to a limited extent<sup>29</sup>.

The electoral reform of 2001 had several effects. It mitigated the over-representation of political parties. It may be true that all parties became over-represented, with larger parties more so, but the differences were however minimal. Moreover, we can see a slightly growing over-representation among the smallest parties. Compared with effects of the electoral system of 1993, the over-representation of large political parties is significantly lower; the same holds true for medium-sized parties (see Table 2).<sup>30</sup> This trend is even more significant if we compare the level of the deformation index in 1997 (under the electoral system of 1993) and in 2001 (see Tables 3 and 4). A shift in favour of medium-size and smaller parties of the new electoral system then becomes evident.

**Table 3: Deformation index in 2001**

Political Party	% of Votes	Seats% of Seats	Deformation index
Alliance of the Democratic Left – Labour Union	41.04	216/46.96**	1.144
Civic Platform	12.68	65/14.13	1.114
Self-Defence	10.20	53/11.52	1.129
Law and Justice	9.50	44/9.57	1.007
Polish Peasant's Party	8.89	42/9.13	1.028
League of Polish Families	7.87	38/8.26	1.050
German Minority*	0.36	2/0.43	1.194

\* The electoral threshold does not apply to the German Minority party.

\*\*The Labour Union formed an independent parliamentary club with 16 members after the election.

Source: Kubát (2001: 135), authors's calculations.

<sup>29</sup> The electoral law made the financing of campaigns stricter through various limitations. State subsidies for political parties increased, with only those parties that gained more than 3 per cent of the votes in the last election and coalitions which gained more than 6 per cent, being eligible for subsidies (Piasecki 2003: 87). These limitations were advantageous for weaker and "poorer" parties (mainly for those outside Parliament) and more or less unfavourable for strong and "rich" parties. The new electoral law brought additional minor modifications, which had almost no political significance (see Jackiewicz, 2004: 58-59; Piasecki 2003: 88-89).

<sup>30</sup> Unfortunately we cannot compare the extent of deformation for the small parties with voter support just above the electoral threshold because in 2001 no such parties were elected to Parliament (the weakest party had almost 8 per cent of votes). In 1993 such parties were under-represented, and even more so in 1997 (the electoral system stayed the same, but the psychological effect of the electoral threshold influenced voting behaviour).

**Table 4: Deformation index in 1997**

Political party	% of votes	Seat/% of Seats	Deformation index
Solidarity Election Action	33.83	201/43.69	1.291
Alliance of the Democratic Left	27.13	164/35.65	1.314
Freedom Union	13.37	60/13.04	0.975
Polish Peasant's Party	7.31	27/5.87	0.803
Movement for Rebuilding Poland	5.56	6/1.30	0.234
German Minority*	0.39	2/0.43	1.194

\* For the German Minority party the electoral threshold does not apply.

Source: Kubát (2000: 90), author's calculations

The new electoral system also increased the proportionality of representation. A rise in figures of the proportionality index had occurred in 1997 without modifications of the electoral system as a result of the psychological effect of the electoral threshold. Understandably, the electoral reform of 2001 further highlighted this trend and the proportionality index climbed to 90 (Sokół, 2005: 267), almost back to the 1991 level (see above).

Another consequence of the electoral reform was a halt in the growth of concentration of the party system in Poland. The electoral reform could not stop this trend, but it slowed it down significantly. The aggregation index fell to 6.71 (author's calculation). The strongest political party held a greater percentage of seats than in 1997 (and 1993), but the two strongest parties combined had significantly fewer seats than in 1997. This could be explained by the fact that in 1997 two similarly strong political groupings (one on the right and one on the left) competed in election, whereas in 2001 an asymmetric situation developed, with one strong left-wing party and greater number of distinctly weaker right-wing parties participating in election. Only in 1993 was the situation similar; the two strongest parties combined still had a greater percentage of seats than in 2001. Not only the process of realignment on the political scene but also the changed electoral system are responsible for this outcome.

**Table 5: Election results of the strongest party and the two strongest parties combined from 1993 to 2001**

Election	1993	1997	2001
% of Seats% of seats of the strongest party	37.17 (Alliance of the Democratic Left)	43.69 (Solidarity Election Action)	46.96 (Alliance of the Democratic Left – Labour Union)
% of Seats% of seats of the two strongest parties together	65.86 (Alliance of the Democratic Left + Polish Peasant's Party)	79.34 (Solidarity Election Action + Alliance of the Democratic Left)	61.09 (Alliance of the Democratic Left – Labour Union + Civic Platform)

Sources: Antoszewski (2002a: 145); Sokół (2005:267).

Another important consequence of the 2001 reform was the bringing to an end of the declining trend in figures of the fragmentation index and the index of the effective number of parties; both measure fragmentation of the party system (in our case at the parliamentary level). The values of these indexes rose after a drop in 1997. Rae's fragmentation index climbed to 0.72 and the index of the effective number of parties to 3.6 (Antoszewski, Herbut, Sroka, 2003: 143, Raciborski, 2003: 98). These values are, however, not outside the range of average values for European countries (Antoszewski 2002a: 144). The new electoral system did not cause any dramatic changes in this respect; it only stopped existing tendencies.

If we look at the trends in a longer term perspective, i.e. in comparison with the 2005 election, we can observe the strengthening of proportional effects of the electoral system. All indicators show further deconcentration and fragmentation of the party system. The strongest party (Law and Justice) gained 26.99 per cent of seats, and the two strongest parties combined (Law and Justice + Civic Platform) 51.13 per cent of seats. The aggregation index fell to 3.37. Rae's fragmentation index was 0.77 and the index of the effective number of parties 4.26. Rose's proportionality index even surpassed the 1991 election by reaching 92 (all calculations made by the author). Of course, this was not caused solely by the electoral system, as changes took place in the political system before the 2005 election (disintegration of the heretofore united political left); as a result only small and medium-sized parties took part in the 2005 election as opposed to the 2001 polls. The electoral system, however, did not in any way help to counterbalance these developments.

**Table 6: Party system after the election of 2005**

Strongest party (% of seats)	Two strongest parties (% of Seats% of seats)	Aggregation index	Rae's fragmentation index	Effective number of parties index	Rose's proportionality index
26.99	51.13	3.37	0.77	4.26	92

*Source: author's calculations.*

The reasons for this, as well as the instant consequences of the 2001 electoral reform, are unmistakable and provide justification for labelling this reform as "purposeful" as opposed to "legitimate". It brought to an end some positive tendencies within the parties and party systems, such as decreased fragmentation, over-representation of larger parties and under-representation of smaller ones, which had the related effect of making it easier to form a working majority in parliament. The objectives of this reform were planned beforehand and it indeed fulfilled the expectation of its architects, namely to help smaller political groupings to enter Parliament at the expense of larger ones, albeit this assistance was understandably not particularly noticeable (Kubát, 2005: 126).

***Important and specific factors of the electoral reforms in 1993 and 2001***

An analysis of electoral engineering consists of examining the single components of an electoral system and determining their influence on electoral results. The modifications to the proportional electoral systems are based precisely on the changes of these components. This was also the method undertaken by both Polish electoral reforms in 1993 and in 2001, as the basic characteristics of the electoral system – proportional representation – remained unchanged.

Generally speaking, as has already been mentioned above, political science emphasizes the importance of constituencies and mathematical methods of seat allocation as the most relevant components of proportional electoral systems in relation to their political consequences; less so is true for election thresholds and balancing distribution of seats. Polish researchers highlight three factors when analysing electoral reforms in Poland: constituencies, mathematical methods of seat allocation and electoral thresholds. In general, this assessment is correct. Nevertheless, it is interesting to examine which components had more and which had less overall impact, as both electoral reforms mentioned are very different in this respect.

The 1993 electoral reform was more radical than the subsequent reform of 2001, and more factors influenced the outcomes at the same time. Whereas the reform of 2001 consisted mainly of the modification of two factors, namely constituencies and the mathematical methods of seat allocation, the electoral reform of 1993 brought about the introduction of electoral thresholds as well. Political science assigns lesser importance to electoral thresholds, as they indeed prevent very small parties (which are often transient) from entering Parliament and thus preclude its atomization, but this is their only effect; electoral thresholds do not help in the process of majority formation and do not strengthen the effectiveness of Parliament (Novák, 1996: 411). Furthermore, electoral thresholds have no effect on the proportionality of electoral systems of proportional representation (Antoszewski, 1997: 241). The claim that electoral thresholds are of limited importance is correct, but only in the long run. The effect of the electoral threshold is twofold: mechanical as well as psychological. The mechanical effect is instant: it simply prevents parties who do not reach the threshold from getting into Parliament. The psychological effect means that voters gradually realize that voting for ephemeral groupings does not make sense, as they do not have any chance of reaching the threshold anyway; such voters start casting their votes for the larger parties, where it is clear that they will not have problems with reaching the electoral threshold (for mechanical and psychological effects see Duverger, 1965: 224-226). Voters realize this fact gradually, which means that time plays an important role. The introduction of an electoral threshold therefore has a devastating impact in the beginning, but its effects become weaker as time passes. This is exactly what happened in Poland. The introduction of electoral thresholds in 1993 led to 34.52 per cent of votes being discarded, i.e. 34.52 per cent of the votes cast did not lead to election of a single deputy! In the next election the number of discarded votes fell to 12.34 per

cent and in 2001 to 9.37 per cent of the votes (Czeŝnik, Markowski, 2004: 47; Kubát, 2000: 109).<sup>31</sup> This development is related to a dramatic fluctuation of the extent of proportionality of the electoral system in 1993.

The effect of electoral thresholds was a highly specific component of the electoral reform of 1993 and thus in a way overshadowed other factors. It is generally accepted that the size of constituencies was of major importance. I think this factor was indeed very important, but not the most important. The structure of constituencies in 1991 shows that even though they were large, their size was not excessive.

**Table 7: Number and size of constituencies in 1991**

Size of constituency	Number of constituencies	Number of constituencies (percent)
7	4	10.8
8	5	13.5
9	5	13.5
10	7	18.9
11	3	8.1
12	5	13.5
13	4	10.8
14	1	2.7
15	1	2.7
17	2	5.4
Total	37	100

Source: Alberski, *Jednaka* (1994: 73-74).

It is correct to argue that decreasing the size of constituencies was significant, but again, not radically so (the average size dropped from 10.6 to 7.5).<sup>32</sup> More detailed studies of the structure of constituencies showed that they contributed more to the majority effect of the proportional electoral system than to its proportionality (Raciborski 2003: 85). In 2001 the constituencies grew, even surpassing the 1991 sizes; again, this change was not dramatic and in international comparison these constituencies are not exceptionally large. The smallest constituency had 7 available seats, the largest one 19 seats (average size of constituency was 10.6 in 1991 and 11.2 in 2001).

<sup>31</sup> In the election of 2005 it was 10.93 per cent, more than in 2001 (data from the Polish State Election Committee, see [www.pkw.gov.pl](http://www.pkw.gov.pl)). The reason is the ongoing disintegration of parties before election.

<sup>32</sup> The most significant drop was in the size of the smallest constituencies, from 7 to 3.



**Table 8: Number and size of constituencies in 2001**

Size of constituency	Number of constituencies	Number of constituencies (%)
7	1	2.43
8	3	7.29
9	11	26.73
10	4	9.72
11	2	4.86
12	7	17.01
13	4	9.72
14	3	7.29
15	3	7.29
16	1	2.43
18	1	2.43
19	1	2.43
Total	41	100

Source: *Jednaka* (2002: 91).

This could lead us to the idea that mathematical methods of seat allocation had more impact than the size of constituencies (keeping in mind the interconnectedness of all factors). This claim can be verified by using evidence of the 2001 electoral reform, which was not marked by the specific phenomenon of establishing new electoral thresholds.

The method of the largest remainder with Hare-Niemeyer quota was replaced in 1993 by the d'Hondt method. In 2001 Poland returned to the Sainte-Laguë method, which was used in 1991 in a modified form for the selection of 15 per cent of the available seats. What changes were brought by the change of the mathematical method, and what would have happened had the original method remained unchanged?

**Table 9: Simulation of electoral results for the 2001 Sejm election using different mathematical methods of seat allocation (number of seats; figures are rounded up)**

	Alliance of the Democratic Left – Labour Union		Civic Platform		Self-Defence		Law and Justice		Polish Peasant's Party		League of Polish Families		German Minority*	
	seats	% of seats	seats	% of seats	seats	% of seats	seats	% of seats	seats	% of seats	seats	% of seats	seats	% of seats
d'Hondt**	245	53.3	62	13.5	47	10.2	38	8.3	37	8.0	29	6.3	2	0.4
Sainte-Laguë***	216	47	65	14.1	53	11.5	44	9.6	42	9.1	38	8.3	2	0.4

\* The electoral threshold does not apply to the German Minority party.

\*\* Simulation of election results.

\*\*\* Modified version. Actual election results.

Sources: *Raciborski* (2003: 90), author's calculations.

If we compare the effects of both methods, the modified Sainte-Laguë method used in 2001 and the d'Hondt method used in 1993 and 1997, with respect to the 2001 election, we come to the unequivocal conclusion that both methods definitely influence election results, each in a different way. The Sainte-Laguë method caused a slight over-representation of all political parties in Parliament, including smaller and medium-sized parties. The d'Hondt method would have had the effect of significantly over-representing larger parties (in this case only one party: the Alliance of the Democratic Left, which received over 40 per cent of the votes), slightly over-representing the one medium sized party (Civic Platform; 12.68 per cent of the votes) and considerably under-representing smaller parties (with less than 10 per cent of the votes). (By the way, we emphasize again that these figures are not relevant for the specific German Minority.)

**Table 10: Deformation index in 2001 using different mathematical methods of seat allocation**

Political party	% of votes	Deformation index (Sainte-Laguë*)	Deformation index (d'Hondt**)
Alliance of the Democratic Left – Labour Union	41.04	1.144	1.299
Civic Platform	12.68	1.114	1.065
Self-Defence	10.20	1.129	1.000
Law and Justice	9.50	1.007	0.874
Polish Peasant's Party	8.98	1.028	0.900
League of Polish Families	7.87	1.050	0.810
German Minority***	0.36	1.104	1.111

\* Modified version. Actual election results

\*\* Simulation of election results.

\*\*\* The electoral threshold does not apply to the German Minority .

Source: author's calculations.

The different effects of both mathematical models of seat allocation can be demonstrated well by the values of indexes measuring the fragmentation of the party system, i.e. the Rae's fragmentation index and the index of the effective number of parties. In the case of the modified Sainte-Laguë method the fragmentation index is 0.72 and the index of the effective number of parties 3.6. Using the d'Hondt method instead, the values would decrease to 0.67 (Rae's fragmentation index) and 3.04 (index of the effective number of parties) (author's calculations). The values of the aggregation index also show significant impact of the d'Hondt method, favouring concentration of the party system and impairing its fragmentation. The modified Sainte-Laguë method led to an aggregation index of 6.71. Electoral simulation using the d'Hondt method raises the value of this index to 7.61 (author's calculations ).

The aforementioned facts demonstrate some specific features of both Polish electoral reforms, which however do contradict the theories of electoral systems and their political consequences. The importance of electoral thresholds has been confirmed, albeit only in the initial period, i.e. at the time of their implementation (in 1993). The psychological effect later caused their influence to fade, as time passes (the threshold ceases to have significant impact on level of proportionality of the given electoral system).<sup>33</sup> The Polish electoral reforms showed the significant influence of mathematical methods of seat allocation and redistribution on the overall effect of an electoral system. In the case of Poland, the influence of mathematical methods was even greater, as changes in size of constituencies (another key factor) were *de facto* small. The size of constituency could not alone have had a sufficiently strong effect and all the “burden of responsibility” fell on mathematical methods (this is best demonstrated by the electoral reform of 2001).

## Conclusion

Some Polish authors express doubts about electoral system being the key variable for the formation of party system and subsequently having an influence on politics. Stanisław Gebethner (1995: 31) or Zbigniew Szeliga (1997: 13) firmly insist that the electoral system of 1991 did not cause extreme fragmentation of the *Sejm* from 1991 to 1993. They argue that this fragmentation originated from polarization in society (voters) and the political scene, and that the electoral system merely enabled this to be truly reflected in parliament. This line of reasoning leads to the argument that the electoral reform of 1993 was in fact unnecessary, as consolidation in the political arena as well as in society in general – which was a part of the democratic consolidation of the overall political system – would have modified the party system at the parliamentary level and in the realm of politics in general, without the “intervention” of the electoral system.

Such reasoning does not seem to be correct. The electoral system of 1991 was indeed not the primary cause of the bad condition of politics in Poland at the beginning of the 1990s. However, by having such parameters which allowed even the smallest political factions represented by often ephemeral political groupings access to the *Sejm*, it directly transferred the social polarization and fragmentation to Parliament, thus paralyzing its efficiency from the start. S. Gebethner (1993: 173) argues that even if the 5 per cent electoral threshold had been used in the 1991 election, nine groupings would have entered Parliament, which would result in its fragmentation anyway. This claim deserves our critical attention. First of all, it makes a large difference for the efficiency of Parliament if there are 9 or 29 parties (in the 1991 election 24 electoral committees acquired seats, representing 29 parties)<sup>34</sup>; secondly, the claim does not stand the test of the 1993 election. They took place under politically similar (albeit not identical) conditions as in 1991. The party arena continued to be heavily fragmented, especially on

<sup>33</sup> This does not concern the mechanical effect, which remains constant.

the political right. The new electoral system had the effect of preventing transfer of this fragmentation to parliament, which subsequently looked very different. As correctly noted by A. Antoszewski (2002c: 45), an analysis of the development of the party system in Poland shows that its institutionalization and stabilization occurred thanks to the overcoming of the extreme fragmentation and due to increased concentration. "It follows mainly – albeit not completely – from the change of the electoral system in 1993, which made access to Parliament much more difficult for small parties and made it clear to the voters that they needed to start voting strategically, i.e. casting votes for parties, which have realistic chances of getting into the *Sejm* (ibid)." All indicators analysed in this text support such a conclusion. Similarly, the electoral reform of 2001 had a visible influence on evolution of the party system, in this case in the opposite direction. This can be demonstrated not only by the 2001 election, but also by the 2005 election, as the process of deconcentration of the party system started by the electoral reform of 2001 continued.

To be sure, the electoral system is not omnipotent. For example it cannot prevent changes in the party system throughout the electoral term (movement of deputies between parliamentary clubs, fragmentation or consolidation of existing parties), which are so typical for politics in Poland. The electoral system nonetheless unequivocally and unambiguously shapes the defining impulse for formation of the party system, both in the short and long-term perspective. Poland is an excellent example in this respect.

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*Dr. Michał Kubát is a political scientist, member of the Department of Russian and East European Studies at the Faculty of Social Sciences of the Charles University in Prague and the Department of Political Science and International Relations at the Faculty of Philosophy and Arts of the University of West Bohemia in Pilsen.*

*E-mail: majkkubat@hotmail.com.*